

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MITCHELL KEITH GOODRUM,

Petitioner,

v.

KARLA K. BUTKO, *et al.*,

Respondents.

Case No. 3:22-cv-00500-MMD-CSD

ORDER

This matter is before the Court on Petitioner Mitchell Keith Goodrum's failure to comply with the Court's order. (ECF No. 4.)

Petitioner initiated this case by submitting a document entitled "motion for leave to file a civil complaint against listed defendants" where he alleged, *inter alia*, that his state post-conviction counsel was ineffective. (ECF No. 1-1 ("Motion").) Due to the Motion mentioning both "a civil complaint" and the alleged ineffective assistance of his state post-conviction counsel, this Court was unsure what type of lawsuit Petitioner was attempting to initiate. As such, this Court ordered Petitioner to submit a civil rights complaint or a petition for writ of habeas corpus on or before March 10, 2023. (ECF No. 4.) This Court also ordered Petitioner to file the 3-page application to proceed *in forma pauperis* on or before March 10, 2023. (*Id.*) Petitioner was warned that a failure to comply would result in the dismissal of this action without prejudice. (*Id.*) The March 10, 2023, deadline has passed, and Petitioner has not filed a civil rights complaint, filed a petition for writ of habeas corpus, filed an application to proceed *in forma pauperis*, requested an extension of time, or taken any other action to prosecute this case.

It is therefore ordered that this action is dismissed without prejudice based on Petitioner's failure to comply with this Court's order (ECF No. 4). Petitioner is denied a

1 certificate of appealability, as jurists of reason would not find dismissal of the petition for
2 the reasons stated herein to be debatable or wrong.

3 It is further ordered that the Clerk of Court is instructed to add Nevada Attorney
4 General Aaron D. Ford as counsel for Respondents. No response is required from
5 Respondents other than to respond to any orders of a reviewing court.

6 It is further ordered that Pursuant to Rule 4 of the Rules Governing Section 2254
7 Cases, the Clerk of Court will informally serve the Nevada Attorney General with the
8 motion (ECF No. 1-1), this order, and all other documents filed in this case by sending a
9 notice of electronic filing to the Nevada Attorney General's office.

10 It is further ordered that the Clerk of Court is instructed to enter final judgment
11 accordingly and close this case.

12 DATED THIS 13th Day of March 2023.

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16 MIRANDA M. DU
17 CHIEF UNITED STATES DISTRICT JUDGE
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